University of Massachusetts Amherst

Student Affairs & Campus Life
University of Massachusetts
Police Department

May 4, 2025
Dylan Dennis
Office of the Secretary of the Commonwealth
Public Records Division
One Ashburton Place, Room 1719
Boston, MA, 02108
Re: appeal acknowledgment- SPR25/0486

Good Afternoon,

Please find the department's response related to SPR25/0486.

Mr. Gerhardson questions if the provided responsive record is the record that he requested. His initial request was sent via email to me directly and is titled "seeking April 29 UMPD plan from Prince Lobel report" which is attached to this response.

He now states "UMPD found it necessary to change the details of their operation between April 29th and May 7th, just one week." The department maintains that the April 30th plan was the same one used on May 7th. Due to the rapidly unfolding events of May 7th and the tactical team leader, who authored the operations plan, responding to the scene from training, the department did not have time to create a new, and separate plan for May 7. The department does not have a responsive record dated for May 7th. It is unclear to the department where Prince Lobel received this information or why it was included in their report. The record provided to Mr. Gerhardson is the only one related to the events of both April 29 and May 7.

The redactions of certain portions of the responsive record are consistent with the departments interpretation of exemption (n). The department maintains that the redactions limit the opportunity to set precedents, and to protect the spirit and evolving landscape of exemption (n). The titles of redacted sections remain to provide context and transparency to the redacted sections.

The department communicates the following responses that provide the required factual heft to support its redactions of certain information, and the review and release of additional information. Responses are specific to Mr. Gerhardson's objections.

> Page 5- Intelligence gathering processes are unique to every situation that we prepare for. Those processes need to be preserved under (n) because disclosure of intelligence gathering processes are by definition "threat or vulnerability assessments", Specific to this event, and consistent with other similar events, UMPD uses a variety of sources to gather information about the event to determine the risk assessment to the community, and provide for proper planning to support the freedom of speech/expression, while assessing the possibility of counter protest/action. Publications regarding national best practices for responding to public order events advise that departments should utilize publicly available social media to conduct threat assessments and to develop an operations plan. Upon review, the department is releasing the previously redacted information.

Page 6- Uniforms and Equipment- Redactions in this section were made because those records are covered under (n) as "any other records relating to the security or safety of persons…" and "in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (c) of section 10 of chapter 66, is likely to jeopardize public safety…" Specifically related to this section, the disclosure of uniforms and equipment information jeopardizes public safety and responder safety as it contains protective measures available to police to ensure their personal safety and the safety of the public. Upon review, the department is releasing certain previously redacted information. It intends to withhold one section that contains information specific to equipment designed for police response to crowd situations.

Page 7-Communication- Upon review, the department is releasing the previously redacted information. The department intends to withhold the phone contact numbers, which were previously redacted, under exemption (o).

Page 9- The primary receiving hospital information is redacted because disclosure of this information could be used by persons to create diversions that would interrupt the expedited transportation of injured persons to the appropriate medical facility.

Pages 10-13- Tactical Plan and pages 15-16 Assignments/Posts. This is the essence of the intent and spirit of exemption (n). The department uses a planning process for events for which it has a jurisdictional responsibility to provide public safety services. Mr. Gerhardson states "that disclosure is exceedingly unlikely to jeopardize public safety because the records in question relate to specific circumstances from almost a year ago." The department disagrees and asserts that the UMPD takes seriously its obligation to provide safety, security, and law enforcement for the whole community. We regularly plan for events using the planning process in question. These events range from celebratory in nature such as a commencement event to events that may be violent in nature, turn into violations of law, or pose a risk to public safety. Each event can have unique circumstances, or contributing factors that can influence the event, and impact on public safety. Events that are planned in advance provide the department an opportunity to prepare its own plan, like this one, to collect available intelligence information about the event, provide adequate staffing resources, equipment, protective capacity, and public safety assessments. The tactical plan provides various response options to ensure that life safety, property safety, and the preservation of guaranteed rights are maintained. The position of the department is that the tactical plan is exactly that, a "plan" that relates to "security measures" "emergency preparedness", "threat or vulnerability assessments", "relating to the security or safety of persons", "located within the commonwealth", as defined in exemption (n). This remains the position of the department, however upon review, the department is releasing certain, previously redacted information.

The department's planning process in the operations plan in question is used regularly to plan for similar events. In fact, we are in a continual assessment of these events as protests and rallies related to national and international issues remain a weekly occurrence at the University of Massachusetts. Public disclosure of the foundation of our planning process allows for this information to be available to persons with malicious intent, or competing ideologies, who could use it to usurp the very safety strategies we put in place to maintain the safety of our community.

For example, it would be unreasonable to expect the tactical plan for the Boston Marathon to be publicly disclosed, in its entirety. The operations plan for a New Years Eve "First Night" event in the city of Northampton would likely be heavily redacted to assure that the safety and security strategies identified within that plan are not open to the public. Specifically, the department created a similar operations plan for a LGBTQ rally where it had intelligence that the Westboro Baptist Church, a nationally known hate

group, intended to attend and provide a counter protest. The operations/tactical plan provided for a designated location for the group to express their views. That information was leaked to the local media, and it created a situation where a violent group of protestors arrived at that location attempting to interrupt the Church. UMPD had established plans of response that provided protection for both groups, but the disclosure jeopardized public safety.

The department understands that exemption (n) was established after the terrorist attacks of September 11, 2001, and is narrowly written based on those events. The department believes that the intent of the exemption applies more broadly now given the ever-changing landscape of "terror" events taking place in this country and internationally. It is critical that law enforcement agencies have the ability to protect certain information within their planning and response plans that preserve the safety strategies available to ensure public safety. Exemption (n) is intended to secure the safety of persons and public places by restricting access to records that may have been previously open to public inspection. The nature of the exemption requires a records custodian to make some value judgment regarding the requester in order to decide whether to release the information sought.

The department believes that it has met the requirements of this exemption, and the department respectfully requests that the SPR uphold the redacted responses which are consistent with the specific language and intent of exemption (n).

Thank you.

Ian Cyr

Deputy Chief of Police/RAO

University of Massachusetts Police Department